

## REMARKS

Applicants' respectfully request reexamination and reconsideration of the application in view of the following remarks.

Applicant has amended the specification to claim priority from its provisional application as set forth in the original Declaration and Power of Attorney documents signed by the inventors.

Applicants note it has not filed an Information Disclosure Statement for the above-identified application, but that the Examiner is familiar with the prior art of applicant's prior application S.N. 10,187,460 filed on July 1, 2002 which is a CIP of U.S. Patent 6,806,228 which issued from Application S.N. 09/896,834 filed on June 29, 2001.

Applicant is not aware of any new art which it considers to be more relevant than the references cited against its related patent; however, Applicant will forward a new Information Disclosure Document and list and copies of references to the Examiner together with the requisite fee in order that the Examiner may review same and enter same into the record.

The Examiner has rejected claim 1 under 35 USC §112 as being indefinite, and being incomplete for omitting essential steps..

Applicant respectfully requests that the Examiner withdraw the rejection in view of Applicants' amendment of the claim claiming the production of bulk quantities of nanowires..

The Examiner has provisionally rejected claims 1-2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- of copending application No. 10/187,460.


Enclosed herewith is a statutory disclaimer

For all of the foregoing reasons, Applicant submits that the claims are patentable over the cited references and that the application is in condition for allowance. Accordingly, Applicant respectfully requests prompt reconsideration and receipt of the formal Notice of Allowance.

The fees for the extension of time, additional claims and terminal disclaimer are enclosed herewith. Please charge any underpayment or credit any overpayment to counsel's Deposit Account No. 50-0642.

If the Examiner believes there are other unresolved issues in this case, Applicant's attorney would appreciate a telephone call at (502) 452-1233 to discuss any such remaining issues.

Respectfully submitted,

  
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